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REVIEWS.

A TREATISE ON THE CRIMINAL LAW. By Emlin McClain. Chicago: Callaghan & Co. 1897. 2 vols. pp. xlix, 1413.

Compactness and order characterize Professor McClain's new work on Criminal Law. It is a condensed statement of the law of statutory and common law crimes, as the author conceives it to exist at present in the United States. The statement is judicious and clear; but little attempt at analysis is made, so that to a student it must remain a means rather than an inspiration. This lack of analysis, together with a general tendency to look upon the law as a present fact, rather than an historical growth, constitutes the chief shortcoming of the work.

To support these criticisms, the discussion of the anomalous doctrine of continuing trespass in the law of larceny may be cited, § 553; authorities are collected, but no definite conclusion is reached. Again, in regard to the test of insanity, § 165, while the satisfactory rule of *Parsons v. State*, 81 Ala. 577, is supported, it is not even hinted that this rule represents a revolt from the very different rule of *M'Naghten's Case*, 10 Cl. & Fin. 200. Moreover, the treatment of the intricacies of larceny in general, and of larceny by breaking bulk in particular, § 555, would be more adequate if it dealt with the historical growth of the subject; for the principle of a subject cannot be grasped until one has discriminated between what is logical and what is illogical in its development.

In spite of these defects, the work is an admirable general statement of law, with a convenient and complete collection of current authority. It has in its table of contents a good "Analysis" of the subject matter of the chapters, and it has a full index.

J. G. P.

THE LAW OF SALES. By Francis M. Burdick, Professor of Law in Columbia University. Boston: Little, Brown, & Co. 1897. pp. 1, 278.

CASES ON THE LAW OF SALES. By Francis M. Burdick. Boston: Little, Brown, & Co. 1897. pp. ix, 664.

From the point of view of those who believe in the case system of teaching law, every text-book intended mainly for the use of students ought to be accompanied by a collection of cases on the subject treated. In fact, the case-book ought to come before the text-book. Many of the treatises in Messrs. Little, Brown, & Co.'s Students' Series are now accompanied by books of cases. These two volumes on the Law of Sales are the latest issues. The text-book seems very small for the size of the subject; but appears to cover the ground well, its bulk being kept down by the careful selection of references and the omission of a few topics not strictly belonging to the law of sales. The arrangement of the work is particularly good; and there is a valuable treatment of the Factor's Acts. The case-book also is considerably condensed, containing two hundred and sixty-two cases in one moderate volume. This result could only be reached by leaving out great parts of most of the cases. Much is to be said, of course, for printing cases nearly in full, but it would seem that, on the whole, the tendency of recent compilers of case-books for students' use to cut out freely is a wise one. If the cutting is done skillfully, much time is saved, with little loss of profit.

R. G.